

02-25-2003

U.S. Patent & TMO/TM Mail Rpt. Dt. #40

TTAB

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Applicant's Ref: ANH 93/03868

COORS BREWING COMPANY,

Opposer,

Opposition No. 90,158

v.

ANHEUSER BUSCH, INCORPORATED,

Applicant.

Box TTAB – NO FEE

Director of the United States Patent and Trademark Office

2900 Crystal Drive

Arlington, Virginia 22202-3513

**APPLICANT'S REPLY TO
OPPOSER'S RESPONSE TO JANUARY 7 ORDER**

Applicant has received the February 4, 2003 response of Opposer, Coors Brewing Company, to the January 7, 2003 order of the Board. We write in respect of only one point in the response. On page 3, Opposer states that since Reg. Nos. 1,202,255, and 1,282,740 were surrendered for cancellation with the consent of Applicant's attorneys, Applicant's counterclaim for cancellation of those registrations "should not be dismissed without prejudice," but "should be dismissed with prejudice."

We respectfully submit that there is no basis for dismissal of the counterclaim with

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I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3513.

Richard Lehy

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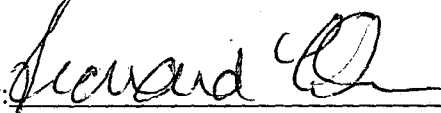
Richard Lehy
(Signature)

prejudice, since that would have the effect of a judgment against Applicant on the counterclaim. Rather, since the registrations have now been surrendered for cancellation, the counterclaim is moot, and should be dismissed *without* prejudice. TBMP § 602.02(a).

Dated: New York, New York
February 25, 2003

Respectfully submitted,

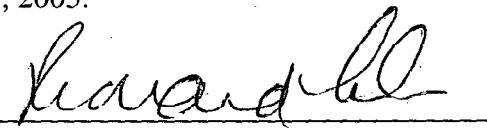
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& ZISSU, P.C.

By: 

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served by prepaid, first-class mail upon attorneys for Opposer, to the attention of Sabrina C. Stavish, Esq. and Miriam D. Trudell, Esq., Sheridan Ross P.C., 1560 Broadway, Suite 1200, Denver, Colorado 80202-5141 and upon Douglas N. Masters, Esq., Pattishall, McAuliffe, Newbury, et al., 311 South Wacker Drive, Suite 5000, Chicago, Illinois 60606 this 25th day of February, 2003.



Richard Lehv